

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

July 6, 2006



PV 06-11 and PV 06-12: Integrity Planning, LLC

CASE DESCRIPTION: a request to reduce the Front Building Setback from 25-feet to 22.8-feet and Side Building Setback from 7.5-feet to 6.9-feet (PV 06-11) and a request to reduce the Front Building Setback from 25-feet to 22.6-feet and the Side Building Setback from 7.5-feet to 7.1-feet (PV 06-12)

LOCATION: 404 and 402 W. 24th St. located near the intersection of Sims

LEGAL DESCRIPTION: Lot 3 and 4, Block 161, Bryan Original Townsite

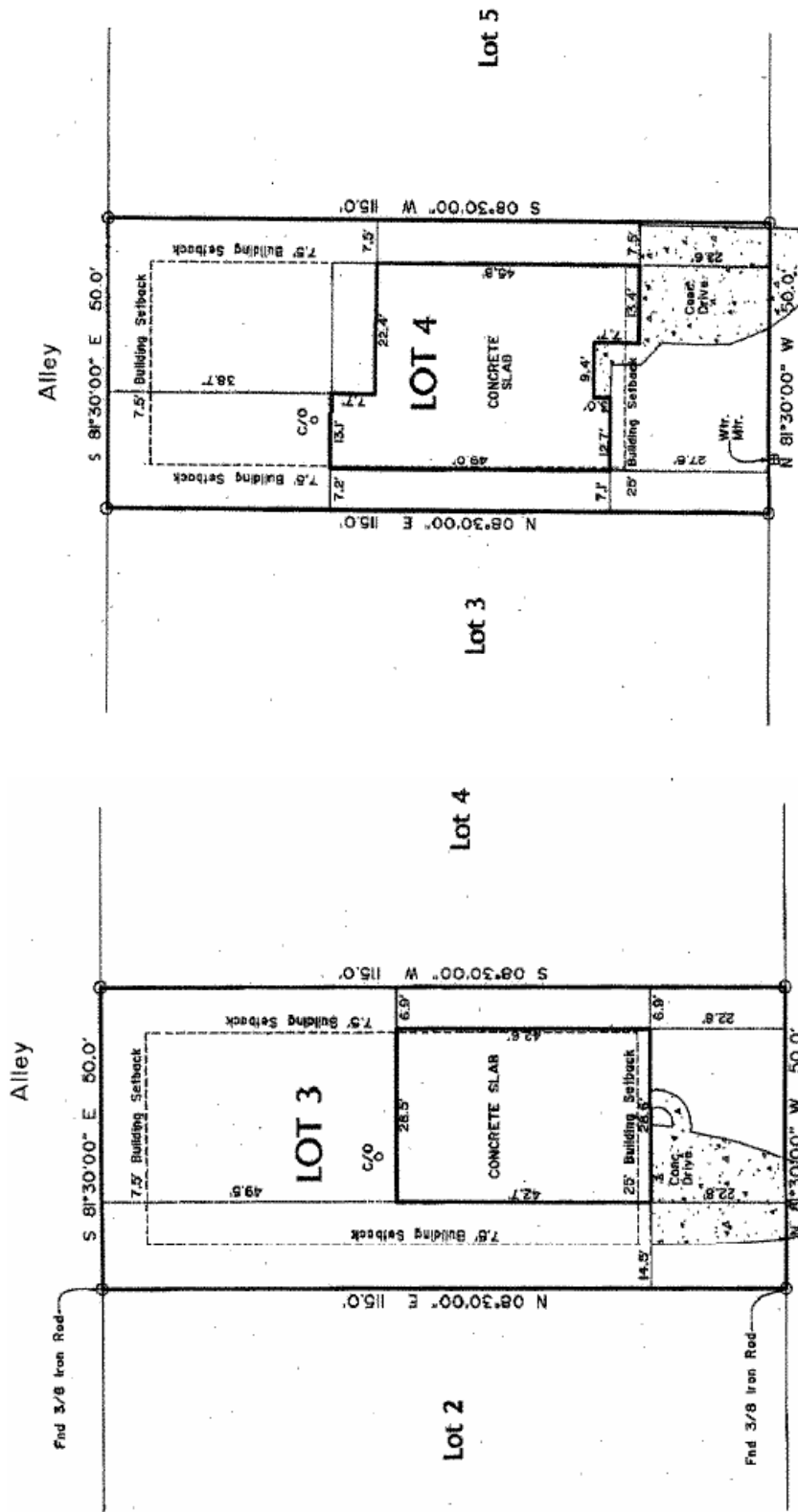
EXISTING LAND USE: vacant residential lots

APPLICANT(S): Integrity Planning, LLC

STAFF CONTACT: Beth Wilson, Assistant City Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this request for variances





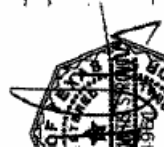
A Title Commitment was available at the time of survey, therefore only as shown on the Record Survey Plat are indicated on the

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BACKGROUND:

The applicant states that while preparing these sites for new housing construction, survey stakes were inadvertently moved, causing the formwork for the slabs to be placed in the wrong location. Due to this building error, the slabs now encroach into the front building setback by 2.2-feet and 2.4-feet and into the side building setback by 0.6-feet and 0.4-feet for Lots 3 and 4 respectively.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

Staff contends that the variances requested are of a small nature, and will not affect other properties in the area.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Likewise, staff contends that the requested variances will not affect the adjacent properties.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff contends that there are a number of more significant setback encroachments in the area, and to deny the variances would require the owner to remove and replace the existing slabs.

RECOMMENDATION:

Staff recommends **approving** this request for variances.